

FILED

Magistrate Docket No.

'08 MJ 0391

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

UNITED STATES MAGISTRATE JUDGE

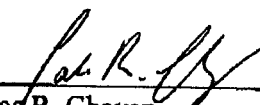
CONTINUATION OF COMPLAINT:**Josue MARTINEZ-Castro****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On February 8, 2008 Border Patrol Agent D. Tobin was assigned to patrol duties at the Imperial Beach Border Patrol Station area of operations. At approximately 6:25 a.m., Agent Tobin responded to a seismic intrusion device located in an area known as "Spooners". This area is approximately four miles west of the San Ysidro Port of Entry and 100 yards north of the United States/Mexico International Border. Upon arriving to the area, Agent Tobin was advised by the scope operator that he observed eight individuals hiding in some thick brush. Agent Tobin encountered the eight individuals including the defendant **Josue MARTINEZ-Castro** attempting to hide in the thick brush. Agent Tobin identified himself as a United States Border Patrol Agent in the English and Spanish language. Agent Tobin then questioned each individual as to his or her citizenship and immigration status. Each individual, including the defendant, admitted to being citizens and nationals of Mexico without any documentation that would allow them to be or remain in the United States legally. All eight individuals were arrested and transported to the Imperial Beach Station for processing.


Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on January 8, 2003 through Otay Mesa, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on February 9, 2008 at 10:00 a.m.




Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on February 8, 2008 in violation of Title 8, United States Code, Section 1326.



Anthony J. Battaglia
United States Magistrate Judge

 1030 AM

Date/Time